

Louis Marks  
Name

94433

Prison Number  
Southern Desert Correctional Center  
Post Office Box 208, Indian Springs, NV 89070  
Place of Confinement

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Louis Marks  
Petitioner,

vs.

Jerry Howell  
, Warden  
Respondent

2:18-cv-01421-RFB-BNW  
EX PARTE MOTION FOR  
APPOINTMENT OF COUNSEL

COMES NOW Louis Marks, in Proper Person, and moves this Court for its order allowing the appointment of counsel for Petitioner. This motion is made and based in the interest of justice.

Pursuant to Title 18 § 3006A. of the Federal Rules of Criminal Procedure,

(2) Whenever the United States magistrate or the court determines that the interests of justice so require, representation may be provided for any financially eligible person who . . .

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(B) is seeking relief under section 2241, 2254, 2255 of title 28.

The Court must appoint counsel where the complexities of the case are such that denial of counsel would amount to a denial of due process, Brown v. United States, 623 F.2d 54, 61 (9<sup>th</sup> Cir. 1980), and/or where the petitioner is a person of such limited education as to be incapable of presenting his claims in such a way that the Court can afford him a fair hearing, see Hawkins v. Bennet, 423 F.2d 948 (8<sup>th</sup> Cir. 1970).

Petitioner alleges that the issues in this case are complex and that petitioner is unable to adequately present the claims without the assistance of counsel.

Petitioner hereby respectfully requests that the Court appoint counsel for the reasons stated above.

DATED this 21 day of February, <sup>2022</sup>~~2020~~.

Respectfully submitted,

  
PETITIONER

#94433

## Additional Facts

2-21-22

- 1) I don't have access to my medical files/
- 2) Even if I did, I can't interpret them.
- 3) I believe I need them to amend the Complaint
  - a) Cause of action
  - b) parties
- 4) I believe it would be useless to serve the 1<sup>st</sup> Complaint
- 5) To amend Complaint - I don't know how

Questions unanswered w/out Counsel  
Who's responsible? Identities?  
Results support the case!?

These affect the Complaint

I am not trained

I have no help now

I have very little Law Library assistance & resources.

If this is not done correctly, the state will not be held accountable

Up to this point I don't understand what to do.

I need help please.

Dated this 21<sup>st</sup> day of February, 2022

Respectfully submitted,

Louis Marks # 94433

~~Louis Marks~~

Petitioner In Pro Se

## Certificate of Service

Plaintiff requests electronic service by the Clerk on the Defendants' counsel, The Nevada Attorney General's office if required by the Court:

The Office of the Attorney General for the State of Nevada at [ag.nv.gov](mailto:ag.nv.gov).

~~Louis Marks~~ 

Louis Marks # 94433

Plaintiff in Pro Se

### **ORDER**

IT IS ORDERED that ECF No. 58 is DENIED as moot. The Court already granted a prior motion of Plaintiff's to appoint counsel. See ECF No. 57. This means that Plaintiff is on a list from which counsel can select and take his case. The Court cannot, however, force counsel to take his case.

IT IS SO ORDERED

DATED: 2:43 pm, February 27, 2022



BRENDA WEKSLER  
UNITED STATES MAGISTRATE JUDGE